

BATTEY et al.
10/774,266
Page 2

REMARKS

Pursuant to paragraph 1 of the above-referenced Office Action, the Examiner requires restriction of the claims and election for further prosecution on the merits to one of the following patentably distinct species of the claimed invention:

- Group I: Figs. 1-3: Ports in the base of the enclosure.
- Group II: Figs. 4-6b: Ports in an end wall of the enclosure.
- Group III: Figs. 7-8: Ports in a top wall of the cover [of the enclosure].
- Group IV: Figs. 4-6b [sic: 9-10]: Ports in an end wall of the cover [of the enclosure].

In response to the restriction requirement, Applicants hereby elect the species of Group II identified by the Examiner as being shown in Figs. 4-6b and disclosing an optical fiber connection closure having at least one connector port in an end wall of the enclosure. The Examiner asserts that "[c]urrently, there are no generic claim." Office Action at page 2. While not traversing the restriction requirement, Applicants respectfully submit that claims 1 and 5-23 are generic to all of the disclosed species. Claims 2 and 24-26 are specific to the species of Group I (Figs. 1-3). Claims 3 and 27-29 are specific to the species of Group II (Figs. 4-6b). Claims 4 and 30-32 are specific to the species of Group III (Figs. 7-8) and Group IV (Figs. 9-10). Accordingly, Applicants submit that claims 1, 3, 5-23 and 27-29 are readable on the elected species.

In the event the Examiner agrees with Applicants characterization of the claims, the Examiner is hereby authorized to withdraw claims 2, 4, 24-26 and 30-32 from further consideration until allowance of a generic claim, whereupon the withdrawn claims may be re-presented for examination in dependent form or otherwise including all of the limitations of the allowed generic claim. Furthermore, claims 2, 4, 24-26 and 30-32 are to be withdrawn without prejudice and subject to reinstatement in the event the restriction requirement is later overcome, withdrawn or determined improper.

BATTEY et al.
10/774,266
Page 3

As a result of this Response to Restriction Requirement, claims 1-32 remain pending in the application. Applicants reserve the right to re-file the claims withdrawn from further consideration in one or more continuation, divisional or continuation-in-part applications.

This response being fully responsive to the Office Action, Applicants submit that the application is now in condition for examination on the merits. This response does not result in more independent or total claims than paid for previously. Accordingly, no fee for excess claims is due. The Examiner is hereby authorized to charge any other fee due in connection with the filing of this response to Deposit Account No. 19-2167. If an extension of time not already accounted for is required with this response, Applicants hereby petition for such extension of time and the Examiner is likewise authorized to charge the petition fee to Deposit Account No. 19-2167. Any overpayment should be credited to Deposit Account No. 19-2167.

Respectfully submitted,



Christopher C. Dremann
Attorney for Applicants
Registration No. 36,504
P.O. Box 489
Hickory, NC 28603
Telephone: 828/901-5904
Facsimile: 828/901-5206

Dated: March 18, 2005